

A
General Pardon
CONSIDER'D,
IN ITS
Circumstances
AND
Consequences:

Particularly relating to
The EXCEPTIONS said
to be now in Debate;

AND TO
The REASONS why it
came out no sooner.

L O N D O N,

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CITIZENSHIP

Confederates:

The Executive Order
to Deny Citizenship

AND TO

THE REASON WHY IT

LEADS OUT OF POWER

J. W. D. M.

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A

General Pardon

CONSIDERED, &c.



WHEN the Country Men went with their Petition to *Jupiter*; Some prayed for Rain, and some for fair Weather: The Answer was, Go Home and consider of it, and when you are agreed what to ask, *Come again, and it shall be granted.* The Moral of the Fable is good; Even the Gods themselves cannot please all People.

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The King, in his late Speech from the Throne, made two Promises so popular, so engaging, and so generally acceptable to the whole Nation, that I dare say, his Majesty could not imagine, but that all his People would be very well pleased, and thankful too on many Accounts: *These were*, (1) Disbanding of Troops, and (2) an Act of Grace, or General Pardon.

But *the Gods cannot please all the People*; SOME are angry that any Troops are disbanded at all; Others, that no more than 10000 are disbanded: The *first* say the, Peace being not made in the *North*, the Matter is not secur'd; the King of *Sweden*, whose vigilant and indefatigable Temper is well known, is never secur'd till he is conquer'd, or reconciled by a Peace; and therefore the disbanding the Troops is too great a Risk for the Nation to run, being an Encouragement to the Jacobite Party, till all their Foreign and Domestick Dependencies are reduced. The OTHERS pretend, that as the King's Speech signified, that the Matter was brought to a Point, and that by the Fleets being arrived in the *Baltick*, the Danger was quite over; So the Charge ought to be over also, and the Danger of
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an Army-Government at Home be at an End; and that there being no Need of Troops to be kept up, the whole Army ought to be reduced.

The same happens in the other Case, (*viz.*) of a Pardon; **SOME** passionate Men, hard and inexorable, hot and furious, are against pardoning any at all, but if there were a Thousand more under Sentence, they would have them all executed; or if *fled*, they should be all *outlaw'd*, and consequently be condemned to perpetual Banishment; They remind us how fatal the like Clemency was in King *William* after the Revolution, and tell us, the Jacobites are not to be obliged by Clemency and Mercy: **OTHERS** more pacifick, are not only willing, and pleased that a Pardon should be given, to make the Peoples Minds easy, and give Offenders one Trial more, to see if they will answer, and act suitable to the Clemency they receive; but are ill pleased that any should be excepted, especially, they say, they think it would be unequal, that the Pardon should extend to such as are under Sentence of Death for actual Rebellion and War; and those should be excepted, who are only supposed to be guilty of opposing the Succession, or of acting
against

against the Publick Interest when the King was not arriv'd; whose Offences, as they are of another Nature, so they cannot be called worse than those of War and Bloodshed; and therefore they reflect upon the Partiality of those, that talk of excepting particular Persons, as their Prejudices, or Inclinations guide them: To consider this Matter seriously, may tend to the reconciling these Extremes, and may serve to make the Pardon it self better answer the End, for which his Majesty designs it; I mean, that of making his Subjects easy, and undeceiving them in the Suggestions which the Enemies of the present Settlement have spread about concerning him.

A General Pardon, is a Thing at this Time so agreeable to all Parties, that it seems to give a new Face of Satisfaction to the whole Nation. Mercy in a Prince is so heavenly a Disposition, that even those who have no need of it for themselves, and have the greatest Aversion to the Crimes which are forgiven, find yet a secret involuntary Pleasure, in seeing other People forgiven.

Clement Princes also generally embrace with Delight the Occasion, *when it may consist with the Safety of the State*, of making

making their People easy; and therefore after the greatest Testimonies of Disaffection that Subjects can give, even such as those of Muriny and Rebellion, such Princes frequently incline rather to Lenity and Mercy, than to Severities and Revenge; for though the latter may be very just, and the Provocations given may be such, as make it to be reasonable also; yet the former is most suitable to that Character which every Christian King desires to bear, *viz.* of the Father of his Country.

One of the reasonable Motives of such a Disposition, founded still upon the Principle of a Paternal Clemency in the Prince, IS, that the Offenders may have Room for the Operation of just Convictions upon their Minds, and may have an Opportunity given them to rectifie past Miscarriages and Mistakes, by a future Change of Conduct, testifying the Sense they have of the Obligation, and the Regard they pay to the Duty of Gratitude, and a future Loyalty of Behaviour.

Nor have there wanted Examples in History, of Men, who have stood out to the last Extremity, against the just Title and legal Possession of the rightful Prince,
 who

who having been first conquered, and yet afterwards pardoned, have proved the most loyal and faithful Subjects, and the most sage Councillors in the Kingdom; when others, who had kept steady in their Loyalty and Services, during the Wars and Rebellions, &c. have, in after Parts of the same Princes Administration, proved Malecontents, uneasy, and in the End Traitors to their Sovereign.

The History of *Henry the IVth of France*, justly styl'd *Henry the Great*, gives a famous Instance of this Kind; where the Duke *de Main* had been 12 Years the Head of the League, as it was then called, the Champion of the *Guisan* Faction: He had on all Occasions opposed the King in the Field, had fought 11 Pitch'd Battles with him, and sometimes very much distressed him; He carried on the War against him with the greatest Animosity, even to the bringing in the Duke of *Parma* and the *Spanish* Armies twice into the Heart of the Kingdom, and defeating the King of his Designs at the Siege of *Paris*, and the Siege of *Roan*; Both which Enterprizes he forced the King to abandon: He continued also to stand out to the last, even when the City of *Paris* was taken, and almost all the
Popish

Popish Nobility had surrendred and made their Peace; and at length, when there was no Possibility of standing out, and it might have been well said, the King had no Occasion of him, yet he demanded haughty Conditions, and did not comply with the King, but the King might be rather said to comply with him; at length his Peace was made, and he was pardoned, and reconciled to the King, and ever after was the most constant, and most faithful Counsellour, as he was the most politick and able, that the King had. On the contrary, the Marshal *Byron* had been the constant, faithful Champion of the King's Cause in the greatest of his Distresses, had run all Fortunes with him; he had fought for him in above 50 considerable Battles and Skirmishes; He was covered with Wounds and Scars gained in his Master's Service, and had been the only indefatigable, never to be discouraged Companion of all his Fortunes; yet this very Man, by his haughty Conduct, insulting the King himself, and making himself uneasy to him, and at last entring into Defiance of him, obliged the King, who loved him above all the great Men

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about.

about him, to banish him his Presence, and at last to cut off his Head.

Many Instances of like Kind, tho' not so eminent, might be found in History; all which may serve to prove, that it is not only a merciful, but a wise and prudent Method in Princes, to give their mistaken Subjects an Opportunity to shew themselves new Men, to act upon new Principles, and to merit the Grace they have received.

To bring this down to the present Case: The King, *we cannot question*, came to this Crown with all the Sentiments of Kindness and Affection possible, as he had great Reason to do: On the other Hand, the People received his Majesty with such Testimonies of Duty and Affection, as have been seldom known: I say, after such mutual Carresses, we cannot question but his Majesty came to the Crown resolved to do every Thing that should engage the People of *Great Britain* to all that Duty and Affection, they could show to the best of Princes; and thus Things stood, at the first landing of the Royal Family in *England*.

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It is not the present Work to unravel the Mistakes of any one's past Conduct; It cannot slip out of our Minds, how the Enemies of the Settlement made their Advantages of the Divisions at Home, to spread over the whole Kingdom, a Spirit of general Aversion and Hatred to the Government of King *George*; How they ripen'd up this Mischief, blowing the Coals on both Sides, till they brought it to an open Rebellion, and kindled the Flame of a bloody War, in the Bowels of their native Country; and how the King, by the Assistance of the faithful Part of his People, Parliamentary Support, Foreign Aid, and vigorous Councils, has reduced the Power of his rebellious Subjects to the Necessity of imploring his Mercy; conquering their Forces, captivating or dissipating the Heads of them, and bringing them, *in short*, to the utmost Distress; all these Things are fresh in our Memories.

But besides these, there are still dangerous Remains of the general Discontent, which perhaps is not at all well managed on either Hand; for the Nation is still desperately divided, and in every Town, almost in every House,

the Spirit of Disaffection is so spread, that a continual War of Society is carried on among the People, who manage it by Disputes Ribaldry, Breach of good Manners, Loss of Charity, and all the wicked Consequences of Faction and Division; and this is done with such Animosity, that what has happened in these two Years, is too fresh in our Memories to be forgotten; the general Disaffection on one Hand, the Warmth and Rigour on the other, have been the Occasion of Family Quarrels, Fighting and Blood, and this in many Places.

These Things seriously considered, are not only strong Motives to a wise Prince to try all possible Methods, as well by Force, which has already been applied with Success, as by Lenity and Mercy, to restore the Peace of his Subjects, and establish a general Tranquillity among them; But they are also strong Motives to every pacifick Christian Temper to embrace the Offer of a general Pardon, as a Thing they acquiesce in, approve of, and are glad to see offered to those that stand in need of it.

And

And this, not that his Majesty is, or ought to be concern'd for our Approbation of his merciful Disposition, or that the Consent of the People is essential to the Act of a general Pardon ; But because there seems to be a Duty remaining on the People, relating to this Pardon, which is absolutely necessary to make it effectual to the Ends for which it is, by the Nature of the Thing, as well as by the King's Inclination, design'd and intended ; And this is, that we should concur with his Majesty in a general Amnesty ; and as the King from his own merciful Disposition is pleased to forgive his People, who have in the highest Manner offended him ; *For Rebellion is the utmost Offence that a Subject can commit against his Prince* : So we should all concur, not only with the Act it self, as it is the King's, but concur with the Clemency that dictated it, and embrace the Disposition it self, and after his Majesty's Example, forgive one another, cease the unchristian Strife, bury the Remembrance of former Heats, Animosities, and Differences, and join again in a new Union of Parties, all agreeing not only to be faithful Subjects to the King, who

who has once again placed us all upon one and the same Foot of Freedom from Guilt, has made every Subject *rectus in Curia*, and given us all an equal Title to his Favour for the future ; But agreeing also to live once more with one another like charitable Christians, sociable Neighbours, familiar, faithful, affectionate Friends to one another.

It is a melancholy Reflection, and affords any considering Man sad Thoughts, to see how the Temper of the People of this Nation has been inflam'd, not only at the Government, and in Favour of a *Popish* Pretender, but *at one another* ; What Animosity, what unchristian Behaviour, what Indecency, and Breach of the common Courtesie, due from Man to Man, acting not only unlike Christians, but unlike reasonable Creatures to one another, upon the Subject of the *Publick Divisions* ; treating one another with Rage rather than Reason, and with ill Language and Reproach, fighting the Battles of their several Parties with their Tongues in all Companies, and upon every Occasion, not only publick but private.

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The Meaning of a general Pardon is ill understood, if these Breaches are kept up, if this Strife is continued ; The Word Pardon is indeed made use of, to express the Extent of it to such as are actually convicted of Crimes, and in the Hands of the Law ; but as it consists of many other Things, and is extended diverse Ways ; so it has diverse other Words by which it is expressed, and by which its several Branches are understood : Such as these.

1. An Act of Grace.
2. A General Pardon.
3. An Act of Oblivion.
4. An Act of Indemnity.
5. A General Amnesty.

1. An Act of Grace importing, that it is the Product of the Royal Beneficence ; that it comes from, and is the Effect of a gracious Disposition in his Majesty, to have all his Subjects reconciled with him, to be indebted to his Kindness, equally made capable of showing

showing their Affection to him, and of meriting from him; and shows an Example to all his People, to practise the same in their Degree one towards another.

2. An Act of Pardon importing, that his Majesty laying aside all Resentment and Provocation, be the Cause never so great, freely forgives his Enemies, his Rebels, and all that have offended him; holds the Hands of Justice, stops the Current of the Law, by the Course of which many would be overtaken and destroyed, and others kept continually in Apprehension, and restores them all to the State of Innocence, as to Offences against him; opens and unlocks the Prison Doors to all that are in Hold, the Sea Ports to all that are in Banishment, the Fetters to all that are in Bonds, and delivers the Imprisoned, calls Home the Banished, and sets the Guilty once again on an equal Foot with the Innocent, His Majesty giving them all his Hand to kiss, and a Share in the Smiles of an appeased Sovereign.

3. An Act of Oblivion: This has a farther Signification, and signifies, that not only the Crime is pardoned, and the Penalty taken off, as to such as have offended, but that the very Offence is forgotten; there is no more Remembrance to be kept up of what has been, than as if it had not been; as the Offenders are not to be punished, so they are not to be reproach'd for what is past; and this signifies not only his Majesty's Resolution to make a perfect Reconciliation between himself and his Subjects, but to have his Subjects all perfectly reconciled one to another; and that all the Remains of what has been done on one Side or other should be forgotten, all Remembrance of former Things be buried, and that Peace and good Understanding should be perfectly restored among his People; that as he forgets all Offences against himself, so they should forget all Offences, Injuries, and Quarrels, with, and against one another, and a perfect Friendship and Peace of good Neighbourhood should be restored among them.

We have two eminent Examples of this in History, both which prove, that

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this Meaning is not a forced, design'd Construction of the Word, but an express, fair Explanation of it, as it is, and for near Seven Hundred Year has been, understood in *England* by the Government, and by the Kings in their Acts of Oblivion. I shall give but two, one at the Beginning, and one at the End of that Time.

William the Conqueror, Anno 1067. the Year after his Coming, when he had entirely reduced the Remains of all Opposition, and after several powerful Insurrections, was planting his *Norman* Nobility and Gentry, as Inhabitants among the *English*; He also pass'd an Act of Oblivion, that on the one Side all People might be made easie, and the Fears of his Resentment might end; and on the other Side, that the People should understand it to extend to them; and that all Resentments, Reproaches, and private Animosities between all his Subjects, of every Nation, and every Part of his Dominions, might cease; also when this Act was published, the Beginning or Introductory Clause was thus, *Statuimus Pacem ac Securitatem inter Anglos & Normannos, & omnes nobis Subiectos*; We ordain,

dain and establiſh, by theſe Preſents,
Peace and Safety among all our Subjects,
as well *English* as *Normans*, &c.

The Second Example was in the General Act of Oblivion paſt by King *Charles II.* at the Reſtoration, to explain which, his Maſteſty publiſh'd a Proclamation; wherein he exhorted
' and conjured, willed and required,
the very Words of the Proclamation,
' that as he has buried in Oblivion all
' the Injuries and Offences whatſoever,
' which are done or committed againſt
' his Maſteſty's Perſon, and againſt any
' and every Branch of his Royal Anceſtors and Family, during the Time
' of the ſaid War and Rebellion; ſo all
' his Maſteſty's Subjects ſhould live in
' Peace and Friendſhip one with another, Forgiving and Forgetting all Injuries and Offences done or ſuffered
' to or from one another, laying aſide
' all Reſentment and Revenge, and in
' particular that they ſhould not any
' more retain or make uſe of, upon
' any Occaſion whatſoever, the hateful
' Names of Diſtinction uſed during the
' Times of the ſaid Confuſion; ſuch as
' *Puritan, Rebel, Roundhead, Cavalier,*
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' *Malignant*, &c. but that the Remembrance of all these things should be for ever buried in Oblivion.'

Thus have these publick Acts of Pardon been understood in all Ages, and thus it is that we ought to understand it now, if we would have it be as effectual to the publick Peace, as there is no doubt his Majesty intends it: And indeed to what purpose is an Act of Oblivion from the Crown, if this is not the Consequence of it. The King can only forgive Offences against himself, and against the publick Peace, of which he is the Guardian and Keeper: But if the Feuds and Animosities among his People still remain; if *Whig* and *Tory*, *High Church* and *Low Church*, *Old Whig* and *New Whig*, still remain; and especially if they continue to insult one another upon these Heads, as they use to do, and to expose to Banter and Reproach one another, as they use to do, and as they now do; How long will the publick Peace remain? How long will it be before we shall be all in Rebellion and Confusion again?

This Argument requires a larger Compass than this small Piece will allow, to give it a full Extent, and to say
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all the necessary Things which might move both the People and their Rulers to put forward such a general Reconciliation of Parties, and Union of the Affections of the People, as is requisite in this Case ; what is said may suffice to put us in Mind what we are to understand by a General Pardon, and what is the Peoples Part on such an Occasion, as well as what is the King's.

There are yet two Words used to express the Princes Acts of Clemency by, one an *English*, the other a Foreign Word, (*viz.*) Indemnity and Amnesty, and both these include the same Meaning as the other, with Respect to the restoring the Peace and good Neighbourhood of the People one among another ; The first imports indemnifying them from Forfeitures, Fines, Prosecutions, Damages, &c. putting an End to informing against one another, or commencing Suits in the *Crown-Office*, upon Acts of Trespas, Slander, Violation of Laws, Breaches of the Peace, and the like, taking away all the Opportunity, as well as the Means, from the People, of being troublesome to one another ; that so Friendship may be restored, and mutual Civility may pass between them,

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to the entire razing the Prejudices and Piques, occasioned by the late Troubles, out of their Minds.

The Word Amnesty, as it is used Abroad, reaches the same in all its particulars, and extends to a general Friendship and Amity between Prince and People, and among the People to one another.

Thus all the publick Terms, by which these Things are ordinarily expressed, and in the Sense of which they are understood, serve to move us all to making the General Pardon be a Foundation of General Peace among us all ; God grant we may apply it to that blessed Design.

But there is a main Article yet to be spoken to, and which indeed is the chief Part of this Work ; it consists of two Enquiries into the Circumstances of a General Pardon, (*viz.*) 1. The Time of it. 2. The Extent of it. The Time why it has not been published before, and the Extent of it, whether it shall admit of any Exceptions or no. As to the First, the King himself gives a Reason for the last Delay of it in his Majesty's Speech.

‘ It seemed reasonable to expect,
‘ that such a Scituation of Affairs at
‘ Home

' Home and Abroad should have re
 ' covered from their Delusion, all such
 ' of Our Subjects as had unhappily
 ' been seduced by the Craft and Wick-
 ' edness of Desperate and Ill-designing
 ' Men, and thereby have afforded Me
 ' the Opportunity, which I desired, of
 ' following the natural Bent of My own
 ' Inclinations to Lenity, by Opening
 ' this Session with an Act of Grace;
 ' but such is the Obstinate and Inve-
 ' terate Rancour of a Faction amongst
 ' Us, that it hath again prompted them
 ' to animate and stir up Foreign Pow-
 ' ers to disturb the Peace of their Na-
 ' tive Country ; they will chuse rather
 ' to make *Britain* a Scene of Blood and
 ' Confusion, and to Venture even the
 ' putting this Kingdom under a Foreign
 ' Yoke, than give over their darling
 ' Design of Imposing a *Popish* Pretender.

I know it is alledged, that a general
 Pardon, if published at first, would have
 prevented all the Mischiefs which have
 happened, and even the Rebellion it self;
 To this we have one apparent Reply,
 (*viz.*) that the Dispositions for it in his
 Majesty were the same, but it is evi-
 dent, the general Inclination of the Peo-
 ple,

ple, and in particular, of the Parliament, seemed to demand of his Majesty, that an Enquiry should be made into the Nature and Reason of some Peoples Management in the former Reign, and particularly into Measures, which they had Reason to believe, were taken, or taking, to defeat the Succession of the King, and to set up the Pretender by the Support of a *French Power*.

His Majesty could not but think it very necessary to countenance an Enquiry into Things, which so nearly concerned himself and the Royal Family, and upon the Discovery of which, his Interest and the Publick Safety might so much depend; and this must be allowed to be a very good Reason, why his Majesty did not, according to the Clemency of his own Disposition, and the Custom of Princes on such Occasions, admit his more pacifick Measures to take immediate Place at his first Accession to the Crown.

In the Government of *England*, since the Publick Liberty was restored by the Revolution, and the Administration is measured by the strait Line of the Laws; Such Difference is given, and such

uch Respect shewed to the Determinations of Parliament, that however by Prerogative the Crown may act, and do independently in many Things, yet the wisest and best of our Kings choose rather to go Hand in Hand with the Advice and Agreement of their People in Parliament in all Things.

By this Rule his Majesty has acted in all his Proceedings, and in doing so, has to the utmost shewn his Resolutions, not only to govern by Law, and make the Constitution his Rule, but to do every Thing to oblige and engage his People to him, to win upon their Affections, and gain their entire Confidence in him upon all Occasions.

Now as this Resolution to advise with his great Council, and see what the Sentiments of his People when assembled in Parliament should be, was a sufficient Reason for his Majesty's not publishing a General Act of Grace at his first Accession to the Crown, till the Meeting of the Parliament; So when the Parliament was met, they early gave his Majesty Room to

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perceive, that they were rather inclin'd to search and make Enquiry into the Miscarriages of the preceeding Time, in order to the Discovery abovementioned, than to have all buried and forgotten at once; and to that End, the House of Commons, in their first Address to his Majesty, expressed their Resolution to make such an Enquiry, and to bring the Authors to condign Punishment.

This, together with the House immediately going to work with their Judicial Enquiries, appointing a secret Committee to manage them, addressing the King to lay before them all the Papers needful to give them Light in such Things, and after that, sending Impeachments up to the House of Lords, against several of the chief Persons concerned in the former Administration, following them with Articles, &c. These Things may be allowed to be given at least by us without Doors, for very good Reasons why his Majesty, notwithstanding his Inclination to Mercy, might not think it proper, and indeed could not consistent

sistent with his Resolution to act in Concert with his Parliament; I say, could not think of publishing a General Pardon at the first Meeting of the Parliament.

These Reasons continued in full Force till the Riots and Tumults of the People, stirred up by the Influence of a *Popish* and *Jacobite* Disaffection, were justly provoking to the King and Parliament also, and called for Justice rather than Clemency; and not only so, but as they apparently encreased, at first threatned, and soon after actually broke out into an open Rebellion; they then made all Mention of a General Pardon unreasonable and absurd.

Thus from one Thing to another, the Royal Clemency has been continually interrupted, and there has been such a Succession of Causes, such a Chain of Reasons, why no Measures for Pardon of Offenders could take place, that it may very justly be said his Majesty has taken hold of the **FIRST OCCASION** that has ever

offered to him, when an Act of Grace could be emitted, either with Safety to himself, or with the general Acceptation of his People.

The great remaining Debate among us is, concerning Exceptions; wherein it occurs to consider the Usage in like Cases, the Necessity or no Necessity of Exceptions in the present Case, and at last the grand Question, WHO shall be excepted?

Custom, *to begin there*, has made it always, not only agreeable to the People, but to the Nature of General Pardons, to except such Crimes, and such Persons, as by their Circumstances make them unworthy of Grace: There are some Offences so flagrant, and some Criminals so infamous and detestable, as they leave no Room, even in the most clement and compassionate Thoughts of the mildest and most merciful Prince, so much as to think of pardoning, as some Sorts of *Murthers* for Example; Such a one as was lately committed at *Edinburgh*, upon two innocent Young
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Gentlemen, the Sons of *James Gordon*, Esq; by their Tutor: The Murther and Mangling the Bodies of the Three Children found in a Sack in the *Thames*; and several other Cases: which Princes in all Ages have thought fit, and Subjects in all Ages have desired to except out of every Pardon, however General; nor have those Pardons been improperly called *General, Full, Free* Pardons, notwithstanding such Exceptions; they being no other than what the whole Kingdom allow to be necessary Exceptions; but then it is observable, that in such Pardons, no Crimes or Persons are excepted, but such as give a General Offence, and make the Persons detestable to Mankind; or such as the Sovereign cannot in Point of Honour, Conscience, or in Regard to the Common Welfare and Peace, pass over.

Thus at the General Pardon upon the Restoration of King *Charles the Second*, the Regicides, as they were called, (*viz.*) those who actually sat in Judgment upon, or had otherwise a Hand in the execrable Murther of his Father,

Father, their lawful Sovereign : These the Laws of Humanity, natural Duty, and Religion, forbid him to pardon; to have let them pass, had been in him, to have sign'd an Assent to the Death of not a *King* only, and thereby justified the Precedent, as fit to be practised upon himself and any of his Successors ; but also of a *Father*, which the Laws of Nature could not by any Means allow.

Nor will the Necessity in many Cases of Exceptions to General Pardons be less now, than the Duty was then, Persons dangerous to the *Publick Peace*, and who having secured themselves out of the Hands of Justice by Flight, and the Protection of *Foreign Powers*, threaten to improve their Return upon whatever Terms it may be, to the farther fomenting of Differences, and perhaps, even to Second Rebellion : Such Persons ought to be considered as Men still in open and actual Rebellion, and as they would perhaps think themselves under no Obligation to the King for his Pardon, but would return
filled

filled with the same ungrateful and revengeful Resentments, which they now entertain: So the King having no Assurances given of their accepting Pardon, with humble Acknowledgments, and Hearts sensible of it, as a Grant of Mercy, can have no Satisfaction that they will be faithful, loyal, and peaceable Subjects for the Time to come, and therefore cannot reasonably take them for proper Objects of Clemency and Mercy.

But if such Men desire to be included in such a General Pardon, they ought to apply themselves by Petitions and proper Applications, or by Friends, or otherwise to his Majesty, to give him such Assurances, as may be to the Satisfaction of his Majesty and the Parliament, that they will for the future behave as Dutiful Subjects, that they will relinquish the Party they have engaged with, and entirely give themselves up to his Majesty's Service and Interest; or at least to such a quiet, retired, and peaceable Life, free from all corresponding with his

his Enemies Abroad, or countenancing the Disaffections at Home, as may render them for Time to come, not only not uneasy to the Government, but perfectly unsuspected.

This would be a Reason for not excepting even the most Criminal; and the Reason for this is more particularly evident in this Case; because the Head of the Rebellion is still subsisting, and embrac'd by these Men while they are Abroad; if there had been no Resource, no Centre of Disturbance; if they had had no visible Head to whom they had adhered, the Case had altered: But as it is, unless they shew their Resolutions of Reforming their Conduct, and of returning to their Duty, they are to be look'd upon as still in open and actual Rebellion, as much as if they were now in Possession of the Town of *Perth*, or drawn up on the *Sherriff-Moor* by *Dumblain*, just ready to give Battle to the King's Army: If they are not so, it is only that they have been driven from thence by Force, and that the Victory obtained by the King's Forces

Forces has altered the Case: But they are still in open Rebellion against the King, and against his Government; the Sword remains unsheath'd, and they are ready not only to embrace the first Occasion of Disturbance; but by their secret Emissaries in *Britain*, to foment and occasion such Disturbance if possible; and while this is the Case, they do not seem, by all the Ordinary Rules of General Pardons, to be proper Objects of Mercy.

Certainly no Government ever did publish a General Pardon to Rebels in Arms, but on the Condition of their Abandoning the Party they were in, and laying down the Arms they had taken up. It is true, there may be this said for the Fugitive part of the Persons we speak of, that many of them being at this Time in Places remote, as *Fate* and their own Miseries have guided them; some in *Italy*, some at *Geneva*, some *Incognito* in *Germany*, and some also in *France*; others in *Flanders*, *Holland*, *Sweden*, &c. and that it may be possible that

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many of these may not have any Knowledge of the design'd Grace, having no Correspondence, or Intelligence, or Friends to acquaint them with what is doing; or that if they have, cannot immediately quit the Engagements of the Party they are under; and that it may be rather the Misfortune, than the Fault of such, not to be able to accept the Indemnity in the Terms of it.

To such it is, and has always been the Usage of Pardons, to grant a certain Time for them to come in, or by some Means or other to notifie their Acceptance of the Pardon, though they may not be in a Condition to appear within the Time limited: But to such it is generally

nerally signified, that they are to observe, and that their Pardon is granted on this express Condition, (*viz.*) That they do not commit the least Act of Rebellion, either by Assisting those that stand out, or Countenancing, Encouraging, and Corresponding with those employ'd by them. This is the most reasonable Thing in the World; for otherwise, an Act of Grace to such, with Time to come in, and accept it, would be just giving them a License for Rebellion for so long Time certain; after which, if they could not succeed, they might come in, and accept the Act of Grace, which would be contrary to the Nature of the Thing.

If these Rules are observ'd, the principal Heads of the Rebellion, who are now following the Pretender, and Solliciting Men and Devils against their Country, must either immediately abandon the Cause and Person, who they have espoused, and as I may say, lay down their Arms; or must stand excepted in the General Pardon; which is neither more or less, than being excepted out of the General Pardon; nor can the Desire to be excepted on any other Conditions.

There is a great Object near Hand, whose Name has been much talk'd of, as proper for an Exception. But, as we hear,
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his Case will be, by his own Application, the Subject of Debate in a Higher Place; I shall take no farther Notice of it at present. A full Account of his Case, and also something of what may be his Fate, being preparing for publick View by those who are not ignorant of the nicest Part of that Affair.

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F I W I 2